

## **MINUTES**

### ***IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY***

**MARCH 3, 2010**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.***

#### **CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:04 p.m.

#### **ROLL CALL**

Councilmembers present:	Bragg, McCoy
Councilmembers absent:	Rose
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present:	City Manager Brown; City Attorney Lyon; Deputy City Clerk Wolfson
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#### **CLOSED SESSION**

**MOTION BY BRAGG, SECOND BY MCCOY, TO ADJOURN TO CLOSED SESSION UNDER:**

##### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957:

Title: City Manager

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

Property: 743-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Sudberry Properties, Inc.

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: Unimproved site of 1.15 acres with a paved Class I bike path,  
Imperial Beach, CA 91932, APN 616-021-10

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: San Diego County Regional Airport Authority

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(A):

Number of potential cases: 10 (Significant Exposure to Litigation)

### **MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY, BRAGG, KING, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>ROSE</b>

MAYOR JANNEY adjourned the meeting to Closed Session at 5:05 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced City Council met earlier in Closed Session, received information from staff, City Council gave direction and had no reportable action.

MAYOR PRO TEM KING did not participate in Closed Session items of real property negotiations regarding Palm Avenue due to a potential conflict of interest.

COUNCILMEMBER MCCOY did not participate in the Closed Session item of real property negotiations regarding the Class I bike path due to a potential conflict of interest.

### **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

### **ROLL CALL**

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

### **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

### **AGENDA CHANGES**

None.

### **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER BRAGG thanked Lifeguard Captain Stabenow and Fire Chief Sotelo for their decisive actions during a recent tsunami warning; she announced the Opening Day for Little League is March 6; the Gran Fondo Colnago Bike Race is March 7; the Relay for Life event will be May 15 and 16 and she challenged the City to form a team; and Fix a Leak Week is March 15 through March 21.

COUNCILMEMBER MCCOY reported on a recent SANDAG meeting where they discussed growth predictions in the region; she noted that the population in the County is currently at 3.1 million with projected growth to 4.3 million by 2050; she noted that water and where water will come from are determining factors of growth; and she reported on an action plan to address climate change; at the Borders Committee meeting Mexico is planning to build a pedestrian entry on the east side of the border in San Ysidro by 2011 and she expressed concern about the difficulties in building the pedestrian entry on the U.S. side.

COUNCILMEMBER ROSE distributed information on the Imperial Beach Business Expo, scheduled for March 18 at the Marina Vista Center.

MAYOR PRO TEM KING reported on the Navy's meeting on the Draft EIS for the Silver Strand Naval Training Complex.

MAYOR JANNEY thanked Councilmember McCoy for attending the SANDAG meeting for him while he was out of town.

#### **COMMUNICATIONS FROM CITY STAFF**

None.

#### **PUBLIC COMMENT**

ED SORRELLS requested information on and justification for the \$40 permit fee to install a flag pole.

#### **PRESENTATIONS (1)**

None.

#### **CONSENT CALENDAR (2.1 - 2.3)**

MAYOR JANNEY announced e-mail correspondence from Jonni O'Neal was submitted as Last Minute Agenda Information for Item No. 2.3.

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on Item No. 2.3 as her residence is within 500 feet of the project, and she would recuse herself from voting on the item.

MAYOR JANNEY announced two speaker slips were submitted on Item No. 2.3 and, therefore, the item would be pulled from the Consent Calendar for discussion.

#### **MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.2. MOTION CARRIED UNANIMOUSLY.**

##### **2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 70417 through 70507 with the subtotal amount of \$137,066.52 and Payroll Checks 42275 through 42319 with the subtotal amount of \$146,390.51 for a total amount of \$283,457.03.

##### **2.2 RESOLUTION NO. 2010-6858 – TIME EXTENSION FOR IMPERIAL BEACH ECO-BICYCLE TRAFFIC CALMING COASTAL DEVELOPMENT PERMIT (ACP 080054) AND DESIGN REVIEW CASE (DRC 080055). MF 934. (0680-20)**

Adopted Resolution No. 2010-6858, approving a time extension for Administrative Coastal Development Permit (ACP 080054) and Design Review (DRC 080055), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

**2.3 RESOLUTION NO. 2010-6857 – TIME EXTENSION FOR DOS DELMAR/ EDWIN JOHNSON (OWNER)/TIM MONAHAN OF NEWTRAC PACIFIC (APPLICANT)/JEFF FISCHFOGT (ARCHITECT); REGULAR COASTAL DEVELOPMENT PERMIT (CP 04-58), DESIGN REVIEW (DRC 04-59), SITE PLAN REVIEW (SPR 04-60), ENVIRONMENTAL INITIAL ASSESSMENT (EIA 04-61), AND VARIANCE (VAR 050313) FOR TWO ATTACHED RESIDENTIAL UNITS LOCATED AT 684-686 OCEAN LANE, IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 701. (0600-20)**

COUNCILMEMBER MCCOY left Council Chambers at 6:12 p.m.

CITY MANAGER BROWN introduced the item.

JONNI O'NEAL disagreed with the statement "...no adverse impacts to adjacent properties would occur" under Site Plan Review Findings No. 1; she spoke in support of additional studies regarding this land use; and she stated that building the additional seawall would jeopardize her property and those who live there.

TIM O'NEAL thanked Public Works Director Levien and his crew for their work on the alley and Ocean Lane during the recent high tides; he also thanked the Port for placing rock in front of the access ramp and his establishment but also questioned why the Port had to defend their investment; he expressed concern about wave action and its effects on erosion; he recommended that studies of the current conditions be conducted and requested the item be tabled at this time.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he noted that the shoreline protection devices existing today are performing as designed during the current conditions of aggressive winter storms and high tide cycles; he recommended approval of the extension.

City Council discussion ensued.

ED JOHNSON, applicant, stated that he is requesting a time extension due to the effects he is experiencing as a result of the recession.

City Council spoke in support for continuing the item to the next regular meeting to have the applicant's engineer respond to questions regarding storm activity and the effects on erosion, and ocean waves impact on shoreline protection devices.

**MOTION BY ROSE, SECOND BY BRAGG, TO CONTINUE THE ITEM TO THE NEXT REGULARLY SCHEDULED MEETING AND AT THAT MEETING HAVE THE APPLICANT'S ENGINEER GIVE A REPORT AND RESPOND TO QUESTIONS. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG, ROSE, KING, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)</b>

COUNCILMEMBER MCCOY returned to Council Chambers at 6:45 p.m.

**ORDINANCES – INTRODUCTION/FIRST READING (3)**

None.

**ORDINANCES – SECOND READING & ADOPTION (4.1)**

**4.1 ORDINANCE NO. 2010-1098 – REQUIRING MANDATORY L.E.A.D. OR R.B.S.S. TRAINING FOR ABC ESTABLISHMENTS. (0240-95)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1098.

CITY CLERK HALD read the title of Ordinance No. 2010-1098, “AMENDING TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE, BY ADDING CHAPTER 9.05 ALCOHOLIC BEVERAGES – RESPONSIBLE BEVERAGE SALES AND SERVICE TO REQUIRING RESPONSIBLE SALES AND SERVICE TRAINING, TO THE IMPERIAL BEACH MUNICIPAL CODE.”

**MOTION BY BRAGG, SECOND BY KING, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2010-1098 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.9)**

**6.9 AD HOC COUNCIL COMMITTEE TO WORK WITH SCHOOL SYSTEMS. (0410-50 & 1010-20)**

MAYOR JANNEY recommended Mayor Pro Tem King and Councilmember Bragg serve on the Ad Hoc Council Committee.

**CONSENSUS OF CITY COUNCIL TO APPOINT MAYOR PRO TEM KING AND COUNCILMEMBER BRAGG TO THE AD HOC COUNCIL COMMITTEE TO WORK WITH THE SCHOOL SYSTEMS.**

**6.8 RESOLUTION NO. 2010-6860 – DESIGNATING LIMITED TIME PARKING ON 8<sup>TH</sup> STREET ADJACENT TO THE IMPERIAL BEACH BRANCH LIBRARY. (0760-05 & 0760-95)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item; in response to Council’s question regarding why the 10-minute time limit, he explained the librarian requested 10 minutes in order to have rapid turnover of the parking spaces.

MAYOR PRO TEM KING spoke in support of the 10-minute time limit and suggested a sign be installed or painted on the curb stating “drop off only.”

**MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6860 – DESIGNATING LIMITED TIME PARKING ON 8<sup>TH</sup> STREET ADJACENT TO THE IMPERIAL BEACH BRANCH LIBRARY. MOTION CARRIED UNANIMOUSLY.**

***Item No. 6.1 will be discussed at 7:00 p.m. – TIME SPECIFIC***

**6.1 COMMERCIAL ZONING REVIEW – CONTINUED FOCUS DISCUSSION. (0610-95)**

The following were submitted as Last Minute Agenda Information:

- Correspondence from Brian Jones;
- Correspondence from Ted & Mayda Winter;
- Commercial Zoning Review Project Areas (as presented at February 17, 2010 City Council meeting)
- Matrices (2 sets): Summary of Recommendations from Working Paper #2 and Subsequent Council Direction;
- Correspondence from Roger Benham.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

City Council expressed concern regarding commercial development adjacent to residential property; there was support for setbacks above the first floor adjacent to residential property; after providing their recommendations for building setback standards; City Council requested staff return to City Council with massing diagrams showing the setbacks and stepbacks. In consideration of the amount of time it would take to accomplish this task, Mayor Janney recommended that the next discussion continue with the remaining topics on the list of recommendations.

Councilmember Rose requested staff return with a menu of incentives.

**6.2 DRAFT TEXT OF SKATE PARK RULES AND REGULATIONS SIGNAGE. (0920-40 & 0920-95)**

CITY MANAGER BROWN introduced the item after announcing e-mail correspondence from the following individuals was submitted as Last Minute Agenda Information:

- Serge Dedina (sent February 25, 2010 6:59 p.m. & 7:01 p.m.)
- Greg Hughes (sent February 26, 2010)
- Jonathan Huffman (sent February 26, 2010)
- Greg Hughes (sent February 27, 2010)
- Kelly Tracy (sent February 25, 2010)
- Heidi Blue (sent February 28, 2010 4:40 p.m. & 4:43 p.m.)
- Fred Olande (sent February 28, 2010 5:39 p.m.)
- Serge Dedina (sent February 28, 2010)
- Fred Olande (sent February 28, 2010 6:34 p.m.)
- Greg Hughes (sent February 28, 2010)
- Sam Yago (sent March 1, 2010)

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

Consensus of City Council to not allow bicycle use at the Skate Park; to modify the text of the signage so that it clearly states that:

- skaters are welcome;
- a community-wide effort made the park possible;
- in regard to in-line skates, no more than 5 wheels are allowed;
- no metal wheels are allowed; and

- skateboarding and skating can be hazardous recreational activities

Council also recommended that the signage be limited to skate park activities; they added that information related to health risks and non-skating activities be removed.

### **6.3 SILVER STRAND TRAINING COMPLEX DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS). (0620-80)**

A Union-Tribune article was submitted as Last Minute Agenda Information.

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item due to the proximity of her home to a portion of the project and left Council Chambers at 8:20 p.m.

City Council expressed concern about the limited amount of time available to comment on the Draft Environmental Impact Statement especially since it took the Navy 10 years to bring it forward; Council supported submittal of a letter requesting an extension to allow staff time to thoroughly review the DEIS.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation showing staff's preliminary comments to the Navy Silver Strand Training DEIS; he noted the following recommendations:

- a curfew of 10:00 p.m. due to increased aircraft activities and firearm discharges;
- alternate access to get around training area since the public will be constrained from utilizing the beach due to increased training activity;
- additional review period of 45 days given the length of the document and approximately a decade for the Navy to prepare the document; and
- a dog park facility along the perimeter area.

He continued with a review of the alternative summaries and the Navy's proposed usage; reviewed the City of Coronado's comments; and noted that the noise mitigation offered by the Navy to alert the Public Safety Department prior to training exercises is not adequate.

City Council expressed concern that it is unclear what actual uses will take place in the boat lanes in front of IB; they supported the comments provided by the City of Coronado; agreed that notification to the Public Safety Department is not adequate noise mitigation; there was a suggestion for one Navy coordinator/point of contact for all activities and training functions that take place at the base, the need for a lengthier notification process of activities, and a more definitive schedule.

MAYOR JANNEY noted that the activities that take place locally allow for Navy personnel to train at home rather than away from home.

ED SORRELS announced that he is a proud American, Marine and survivor of the Korean War, he spoke about the training he received as a young Marine that enabled him to survive in a combat environment and allowed him to come home and have a family, and he spoke of the importance of ensuring the military has the very best training.

COMMUNITY DEVELOPMENT DIRECTOR WADE noted it is unclear which activities will increase; and he suggested mitigation for decreased access to the beach.

City Council supported minimized nighttime operations and a curfew of 10:00 p.m.

COUNCILMEMBER MCCOY returned to Council Chambers at 8:55 p.m.

**6.4 PORT COMMISSIONER APPOINTMENT PROCESS. (0150-70)**

Consensus of City Council to move this item to the next City Council meeting.

**6.5 RESOLUTION NO. 2010-6861 – MEMORANDUM OF UNDERSTANDING BETWEEN THE BOYS AND GIRLS CLUB OF IMPERIAL BEACH AND THE CITY OF IMPERIAL BEACH. (0130-08 & 0920-70)**

A revised Memorandum of Understanding was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced and reported on the item.

**MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6861 – APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOYS AND GIRLS CLUB OF IMPERIAL BEACH AND THE CITY OF IMPERIAL BEACH. MOTION CARRIED UNANIMOUSLY.**

**6.6 RESOLUTION NO. 2010-6855 – AUTHORIZING THE PURCHASE OF REPLACEMENT SEWER DIVISION EMERGENCY GENERATOR. (1140-05)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

**MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6855 – AUTHORIZING THE PURCHASE OF REPLACEMENT SEWER DIVISION EMERGENCY GENERATOR. MOTION CARRIED UNANIMOUSLY.**

**6.7 RESOLUTION NO. R-10-211 – PROPOSED ADDITIONAL ALLOCATION OF \$762,500 FOR THE CLEAN AND GREEN PROGRAM. (0640-95)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

**MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-211, APPROVING AN AMENDMENT TO THE CLEAN AND GREEN PROGRAM BUDGET. MOTION CARRIED UNANIMOUSLY.**

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 9:07 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk